

In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 11287 of 2006

Date of Decision: 27.4.2007

Sukhminder Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr. Justice J.S. Khehar.
Hon'ble Mr. Justice L.N. Mittal

Present: Mr. Amit Chopra, Advocate
for the petitioner.

Mr. Gurminder Singh, Addl. AG, Punjab
for respondents No.1 and 2.

...

J.S. Khehar, J. (Oral).

The petitioner was inducted into the service of the Rural Development and Panchayats Department, Punjab, as a clerk in 1997, and was promoted as a Senior Assistant in the year, 2001. While the petitioner was holding the post of Senior Assistant, he was transferred by an order dated 30.7.2004 from Budhladha to Malerkotla-I. The petitioner complied with the aforesaid order of transfer and assumed his duties at Malerkotla-I.

Within eleven months of his aforesaid transfer, the petitioner was again transferred by an order dated 15.6.2005. This time, from Malerkotla-I to Sunam. The petitioner again complied with the aforesaid transfer order and assumed his duties at Sunam.

Yet again, by an order dated 1.5.2006, again passed within eleven months from the previous transfer order, the petitioner has been transferred back

from Sunam to Malerkotla-I. It is this order, which is subject matter of challenge at the hands of the petitioner through the instant writ petitioner.

The sequence of facts noticed above, must be examined in the light of notice of motion order passed on 27.7.2006. The same reveals, that no interim order was passed in favour of the petitioner when notice of motion was issued to the respondents. This was obviously on account of the fact, that while the impugned order was passed on 1.5.2006, the petitioner had approached this Court almost three months later, on 26.7.2006. Learned counsel for respondents No.1 and 2 informs us, that respondent No.3, who swapped the place with the petitioner, when the petitioner was transferred by the impugned order, from Sunam to Malerkotla-I, had joined at Sunam in compliance with the impugned order dated 1.5.2006, and as such, had been discharging his duties on the aforesaid station for a period of almost eleven months. In the aforesaid circumstances, we are of the view, that the hardship occasioned by the petitioner's transfer by an order dated 1.5.2006, would be repeated, if we again annul the impugned transfer order, so as to require the petitioner to be posted at Sunam after the impugned order dated 1.5.2006 was implemented about a year back.

For the reasons recorded hereinabove, we find no justification, while exercising our jurisdiction under Article 226 of the Constitution of India, in the absence of any allegations of extraneous considerations or malafide, to annul the impugned order dated 1.5.2006.

Dismissed.

(J.S. Khehar)
Judge.

(L.N. Mittal)
Judge.

27.04.2007
sk.